

08-08-05

1FW CC
/B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Han H. Nee

Application No.: 10/825,779

Filed: April 16, 2004

**METAL ALLOYS FOR THE REFLECTIVE
OR SEMI-RELECTIVE LAYER OF AN
OPTICAL STORAGE MEDIUM**



Before the Examiner:
Elizabeth E. Mulvaney

Group Art Unit:
1774

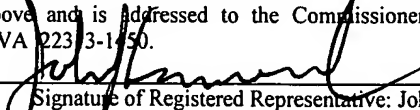
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B) and/or the additional information identified below in paragraph 4. A legible copy of each foreign patent document and publication listed on form PTO-1449 is enclosed.

However, copies of the listed references with an "*" adjacent the number are not being provided pursuant to 37 C.F.R. §1.98(d), because they were previously considered in an earlier filed Information Disclosure Statement, submitted in October 2004.

"Express Mail" Label No.: EV 466815262 US Date of Deposit: August 5, 2005
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature of Registered Representative: John J. Emanuele

This Information Disclosure Statement is submitted after the mailing of a first Office Action and prior to the mailing date of a final Office Action or Notice of Allowance, and thus a fee of \$ 180.00 (set forth in 37 CFR §1.17(p)) is enclosed.

By way of a concise explanation of the relevancy of JP 2002-231596, JP 2002-233283, JP 2003-004586, and JP 2002-239972, these documents in the Japanese language are cited as priority documents for U.S. Patent Application Serial No. US 2004/0028912 A1, filed on February 12, 2004, and were downloaded from the Public PAIR system of the U.S. Patent and Trademark Office.

Additionally, the following is a concise statement of the relevance to patentability of the following three references: Japanese Patent Abstract 61-069935, Japanese Patent Abstract 61-019747 and DE 37 28 106 (a reference in the German language). All three of these references were cited in a Search Report (a copy of which is enclosed) by a foreign office in a related application. DE 37 28 106 was categorized by the foreign office as being X A; the foreign office specifically cited column 3, lines 2-21 and column 4 lines 9-23 of the DE 37 28 106 reference.

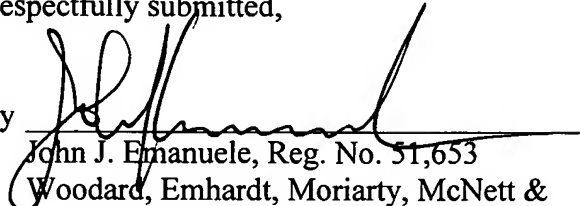
Further, enclosed is a brief summary (with attachment) of on-going litigation involving patents related to the instant application. This paper is provided to comply with MPEP 2001.06.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined

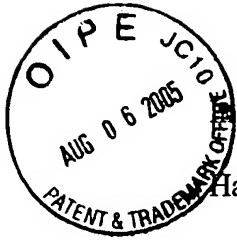
in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By



John J. Emanuele, Reg. No. 51,653
Woodard, Emhardt, Moriarty, McNett &
Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re patent application of:

Han H. Nee

Application No.: 10/825,779

Filed: April 16, 2004

METAL ALLOYS FOR THE REFLECTIVE
OR THE SEMI-REFLECTIVE LAYER OF
AN OPTICAL STORAGE MEDIUM

Before the Examiner:
Elizabeth E. Mulvaney

Group Art Unit: 1772

BRIEF SUMMARY OF LITIGATION INVOLVING
RELATED PATENTS AND APPLICATIONS.

THIS PAPER IS BEING FILED AS AN
INFORMATION DISCLOSURE STATEMENT IN ORDER TO COMPLY WITH THE
APPLICANT'S DUTY TO DISCLOSE UNDER MPEP § 2001.06.

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being submitted as part of an Information Disclosure Statement to inform the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for Western District of New York, Buffalo Division, Civil Docket No. 1:30-cv-00276-RJA-VEB. Though the present application is not a reissue application and though the pending claims of the present application are not themselves the subjects of a lawsuit, the instant Information Disclosure Statement is being offered in response to the suggestion contained in MPEP §2001.06 that the existence of litigation and issues raised therein should be brought to the attention of the patent examiner.

The patents currently involved in the New York suit are U.S. Patent Nos. 6,007,889; 6,286,811; 6,451,402; and 6,544,616. Among the opposing party's defenses, the opposing party has asserted that claims 10 and 35 of U.S. Patent No. 6,286,811 and claim 73 of U.S. Patent No. 6,544,616 are invalid over the prior art. And as best as the applicant can presently understand, the opposing party positions are that:

--claim 10 of '811 is allegedly invalid under 35 USC §§ 102 or 103 over the combination of EP 0594516 to Hatwar combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya;

--claim 35 of '811 is allegedly invalid under 35 USC §§ 102 or 103 over the combination of Japanese Unexamined Patent Application 07-105575 or Japanese Unexamined Patent Application 10-011799 combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya, and

--claim 73 of '616 is allegedly invalid under 35 USC §§ 102 or 103 over Japanese publication 09-212915 to Miyashita or U.S. Patent No. 4,404,656 to Cornet combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya.

Copies of all these references have been submitted to the patent examiner.

The opposing party in this lawsuit has also asserted that the Applicant is guilty of inequitable conduct in the above-named litigation. In this regard, the opposing party has:

--alleged that the Applicant had a duty to translate into English, all of the Japanese references the Applicant submitted to the patent office as prior art. (Applicant submitted copies of the readily available, Official English language abstracts of these references.);

--alleged that the Applicant intentionally withheld the English language abstract for Japanese Unexamined Patent Publication 02192046 from the patent office (an English language translation of the entire document was submitted to the patent office the day after it was received from the opposing party);

--alleged that the Applicant intentionally withheld U.S. Patent No. 4,404,656 to Cornet from the patent office (a copy of the reference was submitted to the patent office within days after the omission was discovered), and

--alleged that the Applicant has intentionally not informed the patent office that the above-identified patents were in litigation.

Applicant also informs the Office that the district court hearing the suit has recently found in favor of the Applicant on all the foregoing issues. Briefly, the district court did not grant the opposing party's motion to enjoin the patent owner from alerting the opposing party's customer base that at least some of the products offered for sale by the opposing party may be infringing the Applicant's issued patents and pending patent applications. See Decision and Order 03-CV-276-A and 03-CV-280 (enclosed).

The opposing party cited specific pieces of related art, for example, those recited above to argue that the Patents in litigation should be held invalid in view of the related art. Some of these pieces of related art are not of record in the patents being litigated. To the best of the Applicant's knowledge, all of these pieces of related art have already been disclosed or are being disclosed in this filing to the Office.

In response to the Opposition's allegation that the Applicant's patents and pending Applications in litigation were obvious over these and other references the Court held that:

"In Sum, upon considering the differences between Target's [Applicant's] patent claims and the prior art, the Court finds that claims at issue, as a whole, would not have been obvious to a person having ordinary skill in the art." *Id.* pg. 35-36 (emphasis added).

In response to the Opposition's allegations of Inequitable Conduct leveled against the Applicant (Target Technology) the Court held that:

"Similarly, the Court finds that Williams [Opposition] has failed to show a likelihood of success on its claim of inequitable conduct." *Id.* pg. 38 "Because evidence of an intent to defraud is lacking, Williams [Opposition] has failed to establish a likelihood of success on its inequitable conduct claim." *Id.* pg. 41.

Details of that opinion can be found at *Williams Advanced Materials, Inc. v. Target Technology Company, LLC*, 2004 WL 1811397 (W.D.N.Y. August 11, 2004) (Nos. 03-CV-276-A, 03-CV-280-A)(enclosed). At this time of the decision this case is under appellate review at the Federal Circuit, No. 40-1602.

United States District Court for the District of New Mexico, Civil Docket No. 04-0008 BDB DJS.

The Applicant also wishes to bring to the attention of the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for the District of New Mexico, Civil Docket No. 04-0008 BDB DJS. Though the present application is not a reissue application and though the pending claims of the present application are not themselves the subjects of a lawsuit, the instant Information Disclosure Statement is being offered in response to the suggestion contained in MPEP §2001.06

that the existence of litigation and issues raised therein should be brought to the attention of the patent Examiner.

The patents currently in that litigation are U.S. Patent Nos. 6,007,889; 6,286,811; 6,451,402; and 6,544,616. Among the opposing party's defenses, the opposing party has asserted that claims of these patents are invalid under 35 USC § 102 or 103 over U.S. Patent No. 6,232,036 or that the patents do not meet the requirements of 35 USC § 112. No further details are presently available.

United States District Court for the Central District of California Civil Action Nos. SACV04-1083 DOC (MLGx) and SACV04-1084 CJC (Anx) and United States District Court for the District of New Mexico, Civil Docket No 05-0111 (previously SAC04-1084 (C.D. Cal)).

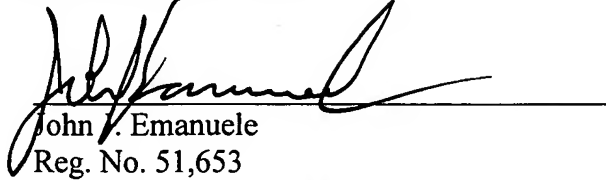
The Applicant also wishes to bring to the attention of the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for the Central District of California Civil Action Nos. SACV04-1083 DOC (MLGx) and District of New Mexico, Civil Docket No 05-0111. The Applicant avers that the Opposing parties have infringed and are continuing to infringe the claims of the Applicant's United States Patent No. 6790503.

If the Office requires any addition information concerning the aforementioned litigation or any other information relating to the prosecution of the pending application the Applicant respectfully requests that the Office contact the undersigned either telephonically or by mail in the next Official Action with the inquiry.

Should the Office require any additional information concerning the aforementioned litigation or any other information relating to the prosecution of the pending application the

Office may at the Office's convenience contact the undersigned either telephonically or by mail in the next Official Action with the inquiry.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John J. Emanuele", is written over a horizontal line.

John J. Emanuele

Reg. No. 51,653

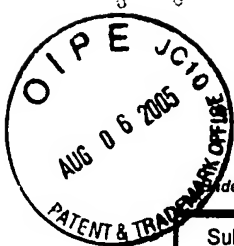
Woodard, Emhardt, Moriarty,

McNett & Henry, LLP

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456



PTO/SB/08A (09-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/825,779
				Filing Date	4/16/2004
				First Named Inventor	NEE, HAN H.
				Group Art Unit	1774
				Examiner Name	Elizabeth E. Mulvaney
Sheet	1	of	8	Attorney Docket Number	7272-59
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	*	4,404,656	09-13-1983	Cornet	
	*	4,405,994	09-20-1983	Cornet	
	*	4,450,553	05-22-1984	Holster	
	*	4,709,363	11-24-1987	Dirks	
	*	4,998,239	03-05-1991	Strandjord	
	*	5,090,009	02-18-1992	Hamada	
	*	5,093,174	03-03-1992	Suzuki	
	*	5,171,392	12-15-1992	Iida	
	*	5,325,351	06-28-1994	Uchiyama	
	*	5,391,462	02-21-1995	Arioka	
	*	5,415,914	05-16-1995	Arioka	
	*	5,419,939	05-30-1995	Arioka	
	*	5,498,507	03-12-1996	Handa	
	*	5,620,767	04-15-1997	Harigaya	
	*	5,640,382	06-17-1997	Florczak	
	*	5,673,251	09-30-1997	Suzuki	
	*	5,719,006	02-17-1998	Ohkubo	
	*	5,741,603	04-21-1998	Yasuda	
	*	5,753,413	05-19-1998	Nishida	
	*	5,820,994	10-13-1998	Gotoh	
	*	5,853,872	12-29-1998	Shimamori	
	*	5,948,497	09-07-1999	Hatwar	
Examiner Signature			Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/825,779
				Filing Date	4/16/2004
				First Named Inventor	NEE, HAN H.
				Group Art Unit	1774
				Examiner Name	Elizabeth E. Mulvaney
Sheet	2	of	8	Attorney Docket Number	7272-59
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	*	6,007,887	12-28-1999	Hatwar	
	*	6,007,889	12-28-1999	Nee	
	*	6,228,457	05-08-2001	Ueno	
	*	6,232,036	05-05-2001	Suzuki	
	*	6,242,068 B1	06-05-2001	Preuss	
	*	6,280,811	08-28-2001	Nee	
	*	6,292,457 B1	09-18-2001	Preuss	
	*	6,351,446 B1	02-26-2002	Weinzerl	
	*	6,451,402	09-17-2002	Nee	
	*	6,544,616	04-08-2003	Nee	
	*	6,764,735	07-20-2004	Nee	
	*	6,790,503	09-14-2004	Nee	
		6,841,219	01-11-2005	Nee	
	*	6,852,384	02-08-2005	Nee	
		6,896,947	05-24-2005	Nee	
		6,905,750	06-14-2005	Nee	
	*	US 2002/0034603	03-21-2002	Nee	
	*	US 2002/0122913	09-05-2002	Nee	
	*	US 2002/0150772	10-17-2002	Nakai	
	*	US 2003/0003395	01-02-2003	Yuzurihara	
	*	US 2003/0008236	01-09-2003	Yamada	
	*	US 2003/0081537	05-01-2003	Shinotsuka	
Examiner Signature				Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/825,779
				Filing Date	4/16/2004
				First Named Inventor	NEE, HAN H.
				Group Art Unit	1774
				Examiner Name	Elizabeth E. Mulvaney
Sheet	3	of	8	Attorney Docket Number	7272-59
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	*	US 2003/0180495 A1	09-25-2003	Ito	
	*	US 2004/0005432 A1	01-08-2004	Ridout	
	*	US 2004/0028912 A1	02-12-2004	Tauchi	
	*	US 2004/0048193 A1	03-11-2004	Lichtenberger	
	*	US 2004/0161630 A1	08-19-2004	Specht	
	*	US 2004/0226818 A1	11-18-2004	Takagi	
		US 2004/0253137 A1	12-16-2004	Gehlert	
		US 2005/0048251 A1	03-03-2005	Lichtenberger	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known		
				Application Number	10/825,779	
				Filing Date	4/16/2004	
				First Named Inventor	NEE, HAN H.	
				Group Art Unit	1774	
				Examiner Name	Elizabeth E. Mulvaney	
Sheet	4	of	8	Attorney Docket Number	7272-59	
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite 1 No.	Foreign Patent Document Country Code ² Number ³ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	† ⁶
	*	CA 2,401,389	07-11-2002	Sony Corporation, J		<input checked="" type="checkbox"/>
		DE 37 28 106 A1	03-02-1989	Philips & Du Pont O		<input type="checkbox"/>
	*	EP 0 594 516 B1	05-13-1998	Eastman Kodak Co		<input checked="" type="checkbox"/>
	*	EP 0 720 159 A2	07-03-1996	Matsushita Electric I		<input checked="" type="checkbox"/>
	*	EP 0 737 966 A1	10-16-1996	Sony Corporation		<input checked="" type="checkbox"/>
	*	EP 0 745 985 A2	12-04-1996	Victor Co. of Japan		<input checked="" type="checkbox"/>
	*	EP 0 798 401 A2	10-01-1997			<input checked="" type="checkbox"/>
	*	EP 0 867 868 A2	09-30-1998			<input checked="" type="checkbox"/>
	*	EP 0 917 137 A1	05-19-1999			<input checked="" type="checkbox"/>
	*	JP 02-192046	07-27-1990	Oki Electric Ind.		<input checked="" type="checkbox"/>
	*	JP 03286432 A	12-17-1991	Taiyo Yuden Co Ltd		<input checked="" type="checkbox"/>
	*	JP 04-176039	06-23-1992	Casio Computer Co.		<input checked="" type="checkbox"/>
	*	JP 04324133	11-13-1992	Sanyo Electric Co L		<input checked="" type="checkbox"/>
	*	JP 0502710 05012710 A	01-22-1993	Hitachi Maxell Ltd		<input checked="" type="checkbox"/>
	*	JP 05073975 A	03-26-1993	Tonen Corp.		<input checked="" type="checkbox"/>
	*	JP 06274954 A	09-30-1994	Shin Etsu Chemical		<input checked="" type="checkbox"/>
	*	JP 06325408 A	11-25-1994	Mitsubishi Material		<input checked="" type="checkbox"/>
	*	JP 07003363 A	01-06-1995	Mitsubishi Material		<input checked="" type="checkbox"/>
	*	JP 07-006427	01-10-1995	Mitsubishi Chemica		<input checked="" type="checkbox"/>
	*	JP 07014221 A	01-17-1995	Mitsubishi Plastics I		<input checked="" type="checkbox"/>
	*	JP 07050035 A	02-21-1995	Matsushita Elect Ind		<input checked="" type="checkbox"/>
	*	JP 07073527 A	03-17-1995	Shin Etsu Chemical		<input checked="" type="checkbox"/>

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known			
				Application Number	10/825,779		
				Filing Date	4/16/2004		
				First Named Inventor	NEE, HAN H.		
				Group Art Unit	1774		
Examiner Name	Elizabeth E. Mulvaney						
Attorney Docket Number	7272-59						
Sheet	5	of	8				
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite ¹ No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ²	Number ³ Kind Code ⁵ (if known)				
	*	JP	07076171	A	03-20-1995	Baba Kazutaka	<input checked="" type="checkbox"/>
	*	JP	07085520	A	03-31-1995	Tosoh Corp.	<input checked="" type="checkbox"/>
	*	JP	07090566	A	04-04-1995	TDK Corp.	<input checked="" type="checkbox"/>
	*	JP	07104424	A	04-21-1995	Mitsubishi Chemica	<input checked="" type="checkbox"/>
	*	JP	07-105575	A	04-21-1995	Mitsubishi Chemica	<input checked="" type="checkbox"/>
	*	JP	07110964	A	04-25-1995	Mitsubishi Chemica	<input checked="" type="checkbox"/>
	*	JP	07166336	A	06-27-1995	Mitsubishi Material	<input checked="" type="checkbox"/>
	*	JP	07252649	A	10-03-1995	Hitachi Metals Ltd	<input checked="" type="checkbox"/>
	*	JP	07262627	A	10-13-1995	Eastman Kodak Co	<input checked="" type="checkbox"/>
	*	JP	07320299	A	12-08-1995	Eastman Kodak Co	<input checked="" type="checkbox"/>
	*	JP	07320302	A	12-08-1995	Sony Corp	<input checked="" type="checkbox"/>
	*	JP	07334873	A	12-22-1995	Mitsubishi Plastics I	<input checked="" type="checkbox"/>
	*	JP	08007330	A	01-12-1996	Teijin Ltd	<input checked="" type="checkbox"/>
	*	JP	08007365	A	01-12-1996	Tosoh Corp	<input checked="" type="checkbox"/>
	*	JP	08063791	A	03-08-1996	Ricoh Co Ltd	<input checked="" type="checkbox"/>
	*	JP	08077624	A	03-22-1996	Sony Corp.	<input checked="" type="checkbox"/>
	*	JP	08124211	A	05-17-1996	Fuji Xerox Co Ltd	<input checked="" type="checkbox"/>
	*	JP	08124213	A	05-17-1996	Toray Ind Inc.	<input checked="" type="checkbox"/>
	*	JP	08235641	A	09-13-1996	Sony Corp.	<input checked="" type="checkbox"/>
	*	JP	08273192	A	10-18-1996	Mitsui Toatsu	<input checked="" type="checkbox"/>
	*	JP	08273193	A	10-18-1996	Mitsui Toatsu	<input checked="" type="checkbox"/>
	*	JP	08297858	A	11-12-1996	Pioneer Video Corp	<input checked="" type="checkbox"/>

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known			
				Application Number		10/825,779	
				Filing Date		4/16/2004	
				First Named Inventor		NEE, HAN H.	
				Group Art Unit		1774	
				Examiner Name		Elizabeth E. Mulvancy	
Sheet	6	of	8	Attorney Docket Number		7272-59	
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite ¹ No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number-Kind Code ⁴ (if known)				
	*	JP	08332772	A	12-17-1996	Mitsubishi Chemica	✓
	*	JP	09007226	A	01-10-1997	Hitachi Maxell Ltd	✓
	*	JP	09204686	A	08-05-1997	Sony Disc Technol.	✓
	*	JP	09204690	A	08-05-1997	Mitsui Toatsu	✓
	*	JP	09-212915		08-15-1997	Mitsui Toatsu Chem	✓
	*	JP	09245373	A	09-19-1997	Mitsui Toatsu	✓
	*	JP	09306029	A	11-28-1997	Matsushita Electric I	✓
	*	JP	09312038	A	12-02-1997	Sony Miyuujitsuku	✓
	*	JP	10 017799	A	01-16-1998	Mitsui Petrochemica	✓
	*	JP	10-177742	A	06-30-1998	Kao Corp	✓
	*	JP	11 12734	A	01-19-1998	Mitsui Chem Inc N/	✓
	*	JP	2000 228032		08-15-2000	Teijin Ltd.	✓
	*	JP	2000 402146		07-11-2002	Sony Corp	✓
		JP	2002 231596		08-08-2002		
		JP	2002 233283		08-09-2002		
		JP	2002 239972		08-20-2002		
	*	JP	2002-361117		12-12-2002	Kobe Steel Ltd.	✓
		JP	2003 004586		01-10-2003		
	*	JP	2003-003643		01-09-2003	Kobe Steel Ltd.	✓
	*	JP	2003-122314		04-25-2003	Kobe Steel Ltd.	✓
	*	JP	25515/99		07-03-1997	Kao Corp	✓
	*	JP	325406/94		05-10-1993	Ricoh Co. Ltd	✓

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known			
				Application Number		10/825,779	
				Filing Date		4/16/2004	
				First Named Inventor		NEE, HAN H.	
				Group Art Unit		1774	
				Examiner Name		Elizabeth E. Mulvaney	
Sheet	7	of	8	Attorney Docket Number		7272-59	
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite 1 No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)				
	*	JP	403025737 A	02-04-1991	Teijin Ltd		<input checked="" type="checkbox"/>
		JP	61 019747 A	01-28-1986	Hitachi Ltd		<input checked="" type="checkbox"/>
		JP	61 069935 A	04-10-1986	Hitachi Ltd		<input checked="" type="checkbox"/>
	*	JP	XP-002260270	06-12-1992			<input type="checkbox"/>
	*	WO	00/21079	04-13-2000	Balzers AG		<input checked="" type="checkbox"/>
	*	WO	02/054396 A1	07-11-2002	Sony Corp		<input checked="" type="checkbox"/>
	*	WO	97/22968	06-26-1997	Imation Corp		<input checked="" type="checkbox"/>

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/825,779
				Filing Date	4/16/2004
				First Named Inventor	NEE, HAN H.
				Group Art Unit	1774
				Examiner Name	Elizabeth E. Mulvaney
				Attorney Docket Number	7272-59
Sheet	8	of	8		
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published			T ²
	*	"Film Deposition Techniques", Encyclopedia of Chemical Technology, 3rd Ed., Vol./Issue No. 10, pp. 247-83, Kirk-Othmer			<input type="checkbox"/>
	*	BOND, W.L., "Notes on Solution of Problems in Odd Job Vapor Coating", J. Optical Soc. Of Amer., June 1954, Vol./Issue No. 44-6, pp. 429-38			<input type="checkbox"/>
	*	NISHIDA, TESTUYA ET AL., "An ultra-hig-capacity multi-data-layer ROM", SPIE Conference Proceeding, November 1996, Vol./Issue No. 2890, pp. 2-9			<input type="checkbox"/>

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.